

## PATENT

REMARKS

In the Office Action, claims 1-3, 5-7, 11, 21-24, 26, and 27 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 6,606,517 to Park et al.

In the Office Action, claims 13 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 6,606,517 to Park et al.

In the Office Action, claim 28 is allowed over the prior art of record.

In the Office Action, claims 4, 8-10, 14, 16-20, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response thereto, claims 1-3, 21-24, 27 have been cancelled, claims 4, 5, 8, 11, 13, 15, 17, 19, 25, 26, 28 have been amended, and new claims 30-33 have been added. Accordingly, claims 4-20, 25, 26, 28, and 30-33 are now pending. Following is a discussion of the patentability of each of the pending claims.

Independent Claim 4

In the Office Action, claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claim 4 has been rewritten in independent form including all of the limitations of base claim 1 and intervening claims 2 and 3. It is respectfully submitted that amended claim 4 is in condition for allowance.

Dependent Claims 5-7

Claims 5-7 depend from claim 4 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

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Independent Claim 8

In the Office Action, claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claim 8 has been rewritten in independent form including all of the limitations of base claim 1 and intervening claims 2, 3, and 5. It is respectfully submitted that amended claim 8 is in condition for allowance.

Dependent Claims 9-12

Claims 9-12 depend from claim 8 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

Independent Claims 13 and 15

Without addressing the merits of the rejection of claims 13 and 15, in accordance with the American Inventors Protection Act, the Park et al. reference does not qualify as prior art for a rejection under 35 U.S.C. §103(a) via 35 U.S.C. §102(e) because the present application has been filed on or after November 29, 1999 and the subject matter of Park et al. and claims 13 and 15 were, at the time the invention was made, subject to an obligation of assignment to the same organization (see section entitled "Obligation of Assignment to the Same Organization").

Accordingly, the Park et al. reference no longer qualifies as prior art under 35 USC §103(a) via 35 USC §102(e), and therefore, claims 13 and 15 can not be considered obvious over such cited reference. Thus, it is respectfully submitted that claims 13 and 15 are in condition for allowance.

Obligation of Assignment to the Same Organization

Ronald Tamura, an attorney of record for the present application, states that Application Serial Number 10/043,472 and U.S. Patent Number 6,606,517 to Park et al. were, at the time the invention of Application Serial Number 10/043,472 was made,

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owned by Pacesetter, Inc. or subject to an obligation of assignment to Pacesetter, Inc. Submitted herewith are Exhibit A, which is the recorded Assignments for U.S. Patent Number 6,606,517; and Exhibit B, which is the recorded Assignment for application Serial Number 10/043,472.

Dependent Claims 14 and 16

Claim 14 depends from claim 13 and claim 16 depends from claim 15. Thus, claims 14 and 16 are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

Independent Claim 17

In the Office Action, claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claim 17 has been rewritten in independent form including all of the limitations of base claim 1 and intervening claims 2, 3, and 5. It is respectfully submitted that amended claim 17 is in condition for allowance.

Dependent Claim 18

Claim 18 depends from claim 17 and is similarly patentable. Accordingly, it is respectfully submitted that claim 18 is in condition for allowance.

Independent Claim 19

In the Office Action, claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claim 19 has been rewritten in independent form including all of the limitations of base claim 1. It is respectfully submitted that amended claim 19 is in condition for allowance.

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Dependent Claim 20

Claim 20 depends from claim 19 and is similarly patentable. Accordingly, it is respectfully submitted that claim 20 is in condition for allowance.

Independent Claim 25

In the Office Action, claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claim 25 has been rewritten in independent form including all of the limitations of base claim 21 and intervening claims 22, 23, and 24. It is respectfully submitted that amended claim 25 is in condition for allowance.

Dependent Claim 26

Claim 26 depends from claim 25 and is similarly patentable. Accordingly, it is respectfully submitted that claim 26 is in condition for allowance.

Independent Claim 28

Claim 28 is allowed over the prior art of record.

Independent Claim 30

For at least the same reasons for allowing claim 4 over the prior art of record, it is respectfully submitted that claim 30 is in condition for allowance.

Independent Claim 31

For at least the same reasons for allowing claim 16 over the prior art of record, it is respectfully submitted that claim 31 is in condition for allowance.

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Independent Claim 32

For at least the same reasons for allowing claim 17 over the prior art of record, it is respectfully submitted that claim 32 is in condition for allowance.

Independent Claim 33

For at least the same reasons for allowing claim 25 over the prior art of record, it is respectfully submitted that claim 33 is in condition for allowance.

CONCLUSION

In light of the above claim amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

12/1/04  
Date

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Enclosures: Exhibits A and B

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